

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

GARY ROSENTHAL,

Debtor,

CASE NO. 2:25-cv-00828-JNW

BANKRUPTCY NO. 25-1010-CMA

ORDER

GARY ROSENTHAL,

Plaintiff/Appellant,

v.

NEWREZ LLC; BUDA HILL LLC;
EASTSIDE FUNDING LLC,

Defendants/Appellees.

The Court raises this matter sua sponte. Fed. R. Bankr. P. 8007(c) authorizes district courts, in bankruptcy appeals, to condition a stay pending appeal “on filing a bond with the bankruptcy court.” On this basis, the Court ordered Rosenthal to file his appeal bond “with the bankruptcy court.” Dkt. No. 13 at 13. But rather than doing so, he filed it with this Court. Dkt. No. 14. On June 17, the Court issued an order acknowledging this “technical non-compliance,” yet finding that “the bond

1 filed in this Court appears adequate as security for the stay pending appeal” and
2 “does not require rectification.” Dkt. No. 23. The Court ordered the parties, if they
3 disagreed, to show cause within fourteen days “why the Court should require
4 Rosenthal to file his bond with the bankruptcy court.” *Id.* The show-cause deadline
5 has now passed, and neither party responded. *See* Dkt.

6 Nevertheless, upon review, the Court reconsiders its earlier conclusion as to
7 the adequacy of the appeal bond and FINDS, to the contrary, that the plain text of
8 Fed. R. Bankr. P. 8007(c)—as well as the Court’s Order, Dkt. No. 13 at 13—requires
9 Rosenthal to file his \$43,000 appeal bond with the bankruptcy court, not this Court.
10 As such, the Court ORDERS as follows:

- 11 • Within FOURTEEN (14) DAYS of this Order, Rosenthal is ORDERED to file
12 his appeal bond in the amount of \$43,000 with the bankruptcy court. The
13 bond should be perfected on the docket of Bankruptcy Case No. 25-1010-
14 CMA.
- 15 • Within FOURTEEN (14) DAYS of this Order, Rosenthal is ORDERED to file
16 a status report with this Court indicating that he has posted his appeal bond
17 with the bankruptcy court as required. Once he has filed this status report,
18 the Court DIRECTS the Clerk of Court to STRIKE Rosenthal’s improperly
19 filed appeal bond from the docket. Dkt. No. 14.
- 20 • Because the stay pending appeal, Dkt. No. 13, is conditioned on the appeal
21 bond, failure to comply with this Order will result in the lifting of the stay.

1 It is so ORDERED.

2 Dated this 3rd day of July, 2025.

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4 Jamal N. Whitehead
5 United States District Judge
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